

Selected provisions of H.R. 5293 related to Choices for Independence

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Changes to Title I

DEFINITIONS

``(4) The term '**Aging and Disability Resource Center**' means a program established by a State as part of the State's system of long-term care, to provide a coordinated system for providing—

``(A) comprehensive information on available public and private long-term care programs, options, and resources;

``(B) personal counseling to assist individuals in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; and

``(C) consumer access to the range of publicly-supported long-term care programs for which they may be eligible, by serving as a convenient point of entry for such programs.'',

``(9) The term '**at risk for institutional placement**' means, with respect to an older individual, that such individual is unable to perform at least two activities of daily living without substantial human assistance (including verbal reminding, physical cuing, or supervision) and is determined by the State to be in need of placement in a long-term care facility.'',

``(31) The term '**long-term care**' means any services, care, or items (including assistive devices), including disease prevention and health promotion services, in-home services, and case management service—

``(A) intended to assist individuals in coping with, and to the extent practicable compensate for, functional impairments in carrying out activities of daily living;

``(B) furnished at home, in a community care setting (including a small community care setting as defined in subsection (g)(1), and a large community care setting as defined in subsection (h)(1), of section 1929 of the Social Security Act (42 U.S.C. 1396t)), or in a long-term care facility; and

``(C) not furnished to prevent, diagnose, treat, or cure a medical disease or condition.'',

``(44) The term '**self-directed care**' means an approach to providing services (including programs, benefits, supports, and technology) under this Act intended to an older individual to assist such individual with activities of daily living, in which

``(A) such services (including the amount, duration, scope, provider, and location of such services) are planned, budgeted, and purchased under the direction and control of such individual;

``(B) such individual is provided with such information and assistance as necessary and appropriate to enable such individual to make informed decisions about his or her care options;

``(C) the needs, capabilities, and preferences of such individual with respect to such services, and such individual's ability to direct and control his or her receipt of such services, are assessed by the area agency on aging (or other agency designated by the area agency on aging);

``(D) based on the assessment made under subparagraph (C), the area agency on aging (or other agency designated by the area agency on aging) develops together with such individual and his or her family, caregiver, or legal representative—

``(i) a plan of services for such individual that specifies which services such individual will be responsible for directing;

``(ii) a determination of the role of family members (and others whose participation is sought by such individual) in providing services under such plan; and
``(iii) a budget for such services; and
``(E) the area agency on aging or State agency provides for oversight of such individual's self-directed receipt of services, including steps to ensure the quality of services provided and the appropriate use of funds under this Act.

``(50) The term '**State system of long-term care**' means the Federal, State, and local programs and activities administered by a State that provide, support, or facilitate access to long-term care to individuals in such State.''.
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Changes to Title III

FUNCTIONS OF THE ASSISTANT SECRETARY

``(b) To promote the development and implementation of comprehensive, coordinated systems at Federal, State, and local levels for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, the Assistant Secretary shall, consistent with the applicable provisions of this title—

``(1) collaborate, coordinate, and consult with other Federal agencies and departments responsible for formulating and implementing programs, benefits, and services related to providing long-term care, and may make grants, contracts, and cooperative agreements with funds received from other Federal entities;

``(2) conduct research and demonstration projects to identify innovative, cost-effective strategies for modifying State systems of long-term care to—

``(A) respond to the needs and preferences of older individuals and family caregivers; and
``(B) target services to individuals at risk for institutional placement, to permit such individuals to remain in home and community-based care settings;

``(3) establish criteria and promote the implementation (through area agencies on aging, service providers, and such other entities as the Assistant Secretary determines to be appropriate) of evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals;

``(4) facilitate, in coordination with the Centers for Medicare & Medicaid Services, the Cash and Counseling National Program Office, and other Federal entities as appropriate, the provision of long-term care in home and community-based settings, including the provision of self-directed care models that--

``(A) provide for the assessment of the needs and preferences of an individual at risk for institutional placement to help such individual avoid unnecessary nursing home placement and depletion of income and assets to qualify for Medicaid eligibility;

``(B) respond to the needs and preferences of such individual and provide the option for the individual (or representative, as appropriate) to direct and control the receipt of support services provided;

``(C) assist an older individual (or a representative, as appropriate) develop a plan for long-term support, including the selecting, budgeting, and purchasing of home and community-based long-term care and supportive services; (for purposes of this paragraph, the term 'representative' means a person appointed by the eligible individual, or legally acting on the individual's behalf,

to represent or advise the individual in financial or service coordination matters);

“(5) provide for the Administration to play a lead role with respect to issues concerning home and community-based long-term care, including—

“(A) directing (as the Secretary or the President determines to be appropriate) or otherwise participating in departmental and interdepartmental activities concerning long-term care;

“(B) reviewing and commenting on departmental rules, regulations, and policies related to providing long-term care; and

“(C) making recommendations to the Secretary with respect to home and community-based long-term care, including recommendations based on findings made through projects conducted under paragraph (2);

“(6) promote, in coordination with other appropriate Federal agencies, enhanced awareness by the public of the importance of planning in advance for long-term care and the availability of information and resources to assist in such planning;

“(7) implement in all States Aging and Disability Resource Centers—

“(A) to serve as visible and trusted sources of information on the full range of long-term care options that are available in the community, including both institutional and home and community-based care;

“(B) to provide personalized and consumer friendly assistance to empower people to make informed decisions about their care options;

“(C) to provide coordinated and streamlined access to all publicly supported long-term care options so that consumers can obtain the care they need through a single intake, assessment and eligibility determination process;

“(D) to help people to plan ahead for their future long-term care needs; and

“(E) to assist, in coordination with the State Health Insurance Assistance Program, Medicare beneficiaries in understanding and accessing the Prescription Drug Coverage and preventative health benefits available under the Medicare Modernization Act;

“(8) establish, either directly or through grants or contracts, national technical assistance programs to assist State agencies, area agencies on aging, and community-based service providers funded under this Act in implementing—

“(A) such home and community-based long-term care systems, including evidence-based programs; and

“(B) such evidence-based health promotion and disease prevention programs;

“(9) develop, in collaboration with the Administrator of the Centers for Medicare & Medicaid Services, performance standards and measures for use by States to determine the extent to which their systems of long-term care fulfill the objectives described in this subsection; and

“(10) conduct such other activities as the Assistant Secretary determines to be appropriate.

Changes to Title III

ORGANIZATION.

“(3) the State agency shall, consistent with this section, promote the development and implementation of a comprehensive, coordinated system in such State for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, by—

``(A) collaborating, coordinating, and consulting with other agencies in such State responsible for formulating, implementing, and administering programs, benefits, and services related to providing long-term care;

``(B) participating in any State government activities concerning long-term care, including reviewing and commenting on any State rules, regulations, and policies related thereto;

``(C) conducting analyses and making recommendations, and implementing programs and strategies to modify the State's system of long-term care to better--

``(i) respond to the needs and preferences of older individuals and family caregivers;

``(ii) facilitate the provision of long-term care in home and community-based settings through service providers; and

``(iii) target services to individuals at risk for institutional placement, to permit such individuals to remain in home and community-based care settings;

``(D) implement (through area agencies on aging, service providers, and such other entities as the State determines to be appropriate) evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

``(E) providing for the availability and distribution (through public education campaigns, aging and disability resource centers, area agencies on aging, and other appropriate means) of information relating to--

``(i) the need to plan in advance for long-term care; and

``(ii) the range of available public and private long-term care programs, options, and resources.''

AREA PLANS

``(7) provide that the area agency on aging shall, consistent with this section, facilitate the area-wide development and implementation of a comprehensive, coordinated system for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, by-

``(A) collaborating, coordinating, and consulting with other local public and private agencies and organizations responsible for administering programs, benefits, and services related to providing long-term care;

``(B) conducting analyses, making recommendations, and implementing programs with respect to strategies for modifying the local system of long-term care to better-

``(i) respond to the needs and preferences of older individuals and family caregivers;

``(ii) facilitate the provision, through service providers, of long-term care in home and community-based settings; and

``(iii) target services to older individuals at risk for institutional placement, to permit such individuals to remain in home and community-based care settings;

``(C) implement, through the agency or service providers, evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

``(D) provide for the availability and distribution (through public education campaigns, aging and disability resource centers, and other appropriate means) of information relating to-

``(i) the need to plan in advance for long-term care; and

``(ii) the range of available public and private long-term care programs, options, and resources;``,